

UNCLASSIFIED STATE 00045958

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FM SECSTATE WASHDC

TO ALL DIPLOMATIC AND CONSULAR POSTS COLLECTIVE
RUEHTRO/AMEMBASSY TRIPOLI 7172

UNCLAS SECTION 01 OF 02 STATE 045958

E.O. 12958: N/A

TAGS: AMGT

SUBJECT: Foreign Assistance Withholding to Countries with
Unpaid Parking Violations

¶1. Summary: This cable is being sent as a notice to alert U.S. posts that Congress has once again enacted legislation linking payment of outstanding parking fines incurred during the period from April 1, 1997 through September 30, 2008 to foreign aid. Accordingly, the Department must withhold 110 percent of the amount of unpaid parking fines and penalties from FY 2009 foreign assistance to the central government of any country owing parking fines to the District of Columbia and New York City. If post is approached on this issue, host country should be advised to promptly raise concerns with the Office of Foreign Missions (OFM) through their embassy in Washington. End summary.

¶2. This is to advise post that the United States Congress has enacted fiscal year 2009 legislation that might affect foreign assistance that some countries are scheduled to receive. As part of the Department of State, Foreign Operations, and Related Programs Appropriations Act, Congress has required the United States to withhold from foreign assistance funds for the central government of a country, an amount equivalent to 110 percent of the total amount determined to be owed (a country's total unpaid, fully adjudicated parking fines and penalties) under the parking programs in Washington, D.C. and New York City. Withholding is to be based upon fines and penalties incurred during the period April 1, 1997 through September 30, 2008, and 110 percent of the amount owed must be withheld from obligation for the central government until the Secretary of State certifies to the committees of appropriations that all fines and penalties owed have been fully paid. The amount withheld is reduced based upon amounts withheld in prior fiscal years, so it is possible a country could have outstanding fines but not have funds withheld in this fiscal year. Nonetheless, we urge all countries to pay their outstanding fines as this issue is a major irritant with the local jurisdictions and a matter of concern to members of Congress.

¶3. Each year the Office of Foreign Missions (OFM) sends a circular diplomatic note to all embassies in Washington reminding them of this legislation and encouraging them to resolve the outstanding parking violations. OFM encloses a separate notification for each country of the total amount of unpaid or unresolved parking tickets for those countries affected. Below is the content of the diplomatic note.

Begin text:

The Secretary of State presents her compliments to Their Excellencies and Messieurs and Mesdames the Chiefs of Mission and wishes to advise of Fiscal Year 2009 legislation that might affect foreign aid to countries. The 2009 Department of State, Foreign Operations, and Related Programs Appropriations Act, (Div. H, P.L. 111-8) requires the United States to

withhold foreign assistance funds equal to 110 percent of the amount of unpaid fully adjudicated parking fines and penalties owed in Washington, D.C. and New York City. Such assistance must be withheld until the Secretary of State certifies to the United States Congress that amounts owed are fully paid to the governments of Washington, D.C. and New York City.

The amount to be withheld is calculated from the amount owed on parking violations, by vehicles registered to the Department of State, that were incurred during the period April 1, 1997 through September 30, 2008. The amount of assistance withheld under this year's act will not include parking fines and penalties for which assistance was previously withheld under prior legislation for the same period.

For each country affected, enclosed is a notification of the total amount of unpaid or unresolved parking tickets. The amounts owed to Washington, D.C. and New York City are separated. The amounts attributable to offices in New York City are not broken down between the United Nations Permanent Mission ("PM") and Consulate ("C").

Assistance withheld will be held in reserve. If the amounts owed are fully paid to the governments of Washington, D.C. and New York City before August 31, 2009, the withheld funds could be provided before the end of this fiscal year, after the Secretary of State certifies this information to Congress.

The Department encourages all affected missions and mission members to contact the appropriate city officials to confirm the accuracy of the parking violation data and then take the necessary steps to resolve all outstanding valid parking tickets either by paying amounts owed or successfully adjudicating violations. Please note that the Secretary can only certify information to Congress based on written confirmation from the jurisdiction that the amount in question has been fully satisfied. Missions should obtain such confirmation from both jurisdictions for submission to the Department. Questions regarding this parking ticket/foreign assistance withholding policy should be directed to Jackie Robinson of the Office of Foreign Missions at (202) 647-3416.

End text.

¶4. If posts are approached on this issue, host countries should be advised to promptly raise concerns with the Office of Foreign Missions (OFM) through their embassy in Washington.

¶5. Posts should also remind U.S. personnel (consular and diplomats) that the USG expects U.S. officials at all levels to pay tickets for motor vehicle violations.

CLINTON